



**In the United States Patent and Trademark Office**

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TECH CENTER 1600/2900

Application No.: 09/847,513  
Filed: 05/01/2001  
Title: Light-Driven Energy Generation Using Proteorhodopsin  
Applicant(s): Edward F. DeLong et al.  
Examiner: Teresa E. Strzelecka  
Art Unit: 1637

Mailed Nov. 13, 2003  
Palo Alto, CA

**Information Disclosure Statement**

Commissioner of Patents and Trademarks  
Washington, District of Columbia 20231

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record.

**Part I (Authority)**

This statement is filed pursuant to:

( ) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

( X ) 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$180), or a statement according to 37 C.F.R. § 1.97(e).

( ) 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$180), and a statement according to 37 C.F.R. § 1.97(e).

11/26/2003 ZJU HAR1 00000048 09847513

02 FC:1806

180.00 OP

**Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

## Part II (Payment)

A check is enclosed as indicated:

- ☐ No fee is due.
- ☒ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed \$180.
- ☐ The petition fee specified in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$180).

## Part III (Statement)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ No statement is necessary.
- ☐ (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- ☐ The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- ☐ The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendant application of the application for which this information disclosure statement is filed.
- ☐ (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

## Part IV (Additional Statement)

An additional statement regarding these items of information ☐ is, ☒ is not, enclosed.

Copies of the cited art ☒ are enclosed, ☐ are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Respectfully submitted,

Dated: *Nov. 13, 2003*



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FORM PTO 449 U.S. DEPARTMENT OF COMMERCE		ATTY. DOCKET NO. MBA-101		SERIAL NO. 09/847,513				
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT Edward F. Delong et al.				
				FILING DATE 05/01/2001		GROUP 1637		
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER				DATE	NAME	RELEVANT INFORMATION
	A							
	B							
	C							RECEIVED
	D							DEC 01 2003
	E							TECH CENTER 1600/2900
	F							
	G							
	H							
FOREIGN PATENT DOCUMENTS								
		2- letter code	DOCUMENT NUMBER		DATE	COUNTRY		TRANSLATION
								YES NO
	I							
	J							
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
	K		Oded Beja et al., "Bacterial rhodopsin: evidence for a new type of phototrophy in the sea," 15 SEPTEMBER 2000 VOL 289 SCIENCE Page 1902 to 1906.					
	L		Elizabeth Pennise, "High-tech lures hook into new marine microbes," SCIENCE VOL 289 15 SEPTEMBER 2000, page 1869.					
	M		AF279106 Uncultured marine...[gi:34112904], retrieved on 9/30/03. Retrieved from the internet: <URL:http://www.ncbi.nlm.nih.gov:80/entrez/query.fcgi?cmd=retrieve&db=nucleotide&list_uids=34112904&dopt=GenBank&term=AF279106>.					
	N							
EXAMINER					DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								